

\*\*E-Filed 6/6/06\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MICROSOFT CORPORATION,  
Plaintiff,  
v.  
SUNCREST ENTERPRISE, et al.,  
Defendants.

Case Number C 03-5424 JF (HRL)  
ORDER AWARDING COSTS AND  
ATTORNEY'S FEES

Under the Copyright Act, the court in its discretion may award costs and attorneys' fees to the prevailing party. 17 U.S.C. § 505; *Historical Research v. Cabral*, 80 F.3d 377, 378 (9th Cir. 1996). On May 16, 2006, the Court issued an order granting summary judgment for Plaintiff on its copyright claim and indicating an intent to award costs and attorneys' fees up to \$30,000 under the Copyright Act. The Court directed Plaintiff to file a declaration setting forth the costs and attorneys' fees incurred in litigating the copyright claim.

On May 23, 2006, Plaintiff's counsel, Katherine M. Dugdale, filed a declaration stating that Plaintiff has incurred costs in excess of \$11,000 and attorney's fees of approximately \$154,000. Ms. Dugdale does not specify which costs and fees were incurred in litigating the

1 copyright claim as opposed to Plaintiff's other claims. The Court previously stated that it is  
2 prepared to award up to \$30,000 in costs and fees on the copyright claim. Given the amount of  
3 costs and fees incurred in the action as a whole, it appears reasonable to conclude that Plaintiff  
4 incurred at least \$30,000 in litigating the copyright claim.

5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff is awarded costs and attorneys'  
7 fees in the amount of \$30,000.

8  
9 DATED: 6/6/06

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11   
12 JEREMY FOGEL  
United States District Judge

1 This Order has been served upon the following persons:

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